

**Enrolled Minutes of the Fifty-first Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Plenary Business Meeting
Monday, December 11, 2017**

Study Session. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, December 11, 2017 at 6:42 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Mark Herak, Dan Vassar, Steven Wagner, Konnie Kuiper and Bernie Zemen were present. The Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent meeting.

The study session ended at 6:56 O'clock p.m.

Regular meeting. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, December 11, 2017 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Dan Vassar, presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with the Councilor Bernie Zemen reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Mark Herak, Dan Vassar, Steven Wagner, Konnie Kuiper and Bernie Zemen. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett Tauber, Esq. Town Attorney; Pete Hojnicky, Police Chief; John M. Bach, Public Works Director; Alex M. Brown, CPRP, Parks and Recreation Superintendent; William R. Timmer, Jr., CFOD, Fire Chief; and Kenneth J. Mika, Building Commissioner; and Kathy DeGuilio-Fox, Redevelopment Director were present.

Additionally present: George Smith, Board of Waterworks Directors; Ed Dabrowski, Contract Information Technology Consultant was additionally present.

Minutes of the Previous Meetings: The minutes of the regular meeting of 27 November 2017, was approved by general consent.

Girl Scout Troop 10287. With leave from the Town Council, the Town Council President acknowledged Girl Scout Troop Leader Millie Barron and the members of Troop 10287: Addison Piech, Destiny Auksel, Lilijana Barron, Andrijana Barron and Ashlynn Trombetta. They were present in order to fulfill requirements for a badge regarding local government. It was also noted that the troop has been in recent years decorating a Christmas tree with handmade decorations for display at the Town Hall.

The following list was provided of troop members who participated in the making of the decorations. Addison Piech, Audrey Adams, Leilany Rodriguez, Lilijana Barron, Andrijana Barron, Tatjana Barron, Logan Bierman, Ashlynn Trombetta, Victoria Ayon, Alicia Ortiz, Destiny Auksel, and Jasmine Auksel.

Staff Reports: The following staff reports were received and filed.

- **Building & Inspection Report for November 2017**

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	1	0	1	\$253,000.00	\$3,476.00
Commercial Additions or Remodeling:	3	0	3	\$25,919.00	\$679.50
Signs:	1	0	1	\$2,110.00	\$310.00
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	2	2	0	\$132,000.00	\$1,910.50
Residential Remodeling:	82	82	0	\$518,747.00	\$10,587.50
Garages:	2	2	0	\$55,382.00	\$1,098.00
Sheds:	2	2	0	\$15,088.00	\$475.00
Decks & Porches:	2	2	0	\$20,890.00	\$632.00
Fences:	4	4	0	\$11,750.00	\$440.50
Swimming Pools:	0	0	0	\$0.00	\$0.00
DrainTile/ Waterproofing:	4	4	0	\$23,711.00	\$603.00
Miscellaneous	2	1	1	\$450,000.00	\$448.50
	105	99	6	\$1,508,597.00	\$20,660.50
Electrical Permits	30	27	3		\$2,496.00
Mechanical Permits	23	20	3		\$1,842.00
Plumbing Permits	7	7	0		\$933.75
Water Meters	1	1	0		\$230.00
Water Taps	0	0	0		\$0.00
Sewer/Storm Taps	0	0	0		\$0.00
TOTAL Plumbing:	8	8	0		\$1,163.75

November Code Enforcement:

Investigations: 29
Citations: 04
Warnings: 29

November Inspections:

Building: 38 Electrical: 32 Plumbing: 10 HVAC: 14
Electrical Exams: 03

- **Fire Department Report for November 2017**

The report would be filed at a future meeting.

- **Workplace Safety Report for November 2017**

There were two incidents to report for August. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2017	Total in 2016	Restricted Days 2017	Lost Workdays This Year (2017)	Restricted Days Last Year (2016)	Lost Workdays Last Year (2016)
Parks	0	0	1	0	0	12	0

Fire	0	0	1	0	0	0	0
Police	1	6	6	0	334	2	21
Street	0	0	1	0	0	0	0
Water & Sewer	0	2	6	0	0	14	0
Maint.	0	2	1	0	0	0	0
Other	0	0	0	0	0	0	0
TOTALS	0	10	16	0	334	28	21

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

General Orders and Unfinished Business:

- 1. Introduced Ordinance No. 1660:** An Ordinance To Make Several Technical Amendments To The Current Code Of Ordinances For The Town Of Highland, State Of Indiana, Revising, Restating, Arranging And Compiling Certain Existing General Ordinances Of The Town Of Highland Dealing With Subjects Embraced In Such Code Of Ordinances Into A Simplified Code, Without The Formal Recitals And Other Parts Of The Individual Ordinances, Making Such Code Positive Law Of The Municipality, All Pursuant To IC 36-1-5 Et Seq. *Councilor Herak introduced and filed Ordinance No. 1660, at the Town Council meeting of November 13, 2017. There was no further action.*

Councilor Herak moved the passage and adoption of Ordinance No. 1660. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

**ORDINANCE No. 1660
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE to MAKE SEVERAL TECHNICAL AMENDMENTS to The Current CODE of ORDINANCES for The TOWN OF HIGHLAND, STATE OF INDIANA, REVISING, RESTATING, ARRANGING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES of The TOWN of HIGHLAND DEALING with SUBJECTS EMBRACED IN SUCH CODE of ORDINANCES into A SIMPLIFIED CODE, WITHOUT the FORMAL RECITALS and OTHER PARTS of The INDIVIDUAL ORDINANCES, MAKING SUCH CODE POSITIVE LAW of the MUNICIPALITY, ALL PURSUANT TO IC 36-1-5 ET SEQ.

WHEREAS, Title 36, Article 1, Chapter 5 of the Indiana Code provides that the legislative body of a unit shall codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances;

WHEREAS, The legislative body of this unit, the Town of Highland, is the Town Council, pursuant to IC 36-1-2-9(5) and IC 36-5-2-2;

WHEREAS, The present general and permanent ordinances of the Town of Highland, formally codified in 2012, are in need of technical and substantive modifications not confined to any particular Title, Article or Chapter but nevertheless desirable to further improve and perfect the Code; and

WHEREAS, The Town Council, is persuaded that it is necessary and desirable to adopt the several technical and substantive modifications not confined to any particular Title, Article or Chapter to further improve and perfect the Code,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Highland Municipal Code, be hereby amended by repealing subdivisions (C), (D) and (E) of Section 2.25.055 Building Commissioner Cash Change Fund and replacing them with new subdivisions, which shall read as follows:

Section 2.25.055 BUILDING COMMISSIONER CASH CHANGE FUND.

(C) That the fund shall be established by a warrant drawn from the proper appropriated or non-appropriated balance of the Corporation General Fund, as the Town Council may direct, in the amount of \$175 \$200, in support of the establishment of such a cash change fund:

(1) That the establishing warrant and such successive warrants as shall be necessary to resupply the fund, shall be drawn in favor of the Chief Inspector/Building Commissioner who shall convert the warrant to cash;

(2) That the Chief Inspector/Building Commissioner and such employees as he may designate, shall use it to make change when collecting cash revenues for programs conducted in consequence of the operations of the Building and Inspection Department, the Plan Commission and the Advisory Board of Zoning Appeals; and

(3) That the Chief Inspector/Building Commissioner shall account for it in the same manner as is required of other funds of the town;

(D) That the entire cash change fund authorized and established pursuant to this section shall be returned to the ~~Corporation~~ **Corporation** General Fund whenever there is a change in the custodian of the fund;

(E) That the entire cash change fund authorized and established pursuant to this section of this code shall be returned to the ~~Parks and Recreation (General) Fund or in the absence of this fund,~~ the **Corporate Corporation** General Fund of the municipality whenever the purposes of the fund have substantially changed or the fund is no longer needed.

Section 2. That Chapter 3.45 of the Highland Municipal Code be hereby amended to include a new section, to be styled Section 3.45.005, which shall read as follows:

3.45.005 Corporation General Fund.

(A) There is established a fund of the municipality to be known as the **Corporation General Fund**, which is the foundational fund of the municipal treasury, as set forth in Section 3.40.020 (C);

(B) The corporation general fund shall be further organized by departments, as required by law, which shall consist of the following:

1. Office of the Town Council
2. Office of the Clerk-Treasurer
3. Advisory Board of Zoning Appeals Department
4. Plan Commission Department
5. Building, Inspection and Zoning Department
6. Police Department
7. Fire Department
8. Municipal (Town Hall) Building and Monuments Department
9. Works Board Department
10. Volunteers in Police Services (VIPS) Department

(C) The Clerk-Treasurer in consultation with the Town Council President shall be authorized to establish such other departments as may be deemed necessary or desirable, provided that any new department be reported to the town council;

(D) Expenditures from this fund may only be for the purposes for which this fund is established, which is to support the operation of the local government and any lawful purpose of the municipality;

(E) Appropriations. Expenditures from the fund may be made only upon appropriation by the fiscal body for the purpose for which the fund and its departments are specifically established, in the manner provided by statute for making other appropriations, and shall be disbursed only on approved accounts payable vouchers allowed by the legislative body, all pursuant to IC 5-11-10 and 36-5-4;

(1) Notwithstanding the previous provision certain expenditures and disbursements may be made from the fund, pursuant to IC 5-11-14-1(i) and where permitted by other laws or regulations;

(F) *Investments Authorized.* Pursuant to IC 5-13-9, and Chapter 3.40 HMC, money in the fund may be invested; provided, that the yields from the purchase and sale of any such investments be deposited with the fund;

(G) *Fund sources.* The corporation general fund consists of all moneys paid in to the treasury, which are not by operation of statute, rule ordinance or requirement of the donor, dedicated to another fund or for another purpose, all pursuant to Section 3.40.020(D). Further, funds may include but are not limited to the following:

- (1) Gifts and donations from any person or entity given expressly for the purposes and objects of the fund, unless otherwise directed by law or ordinance or action of the legislative body;
- (2) User fees, licenses, permits, and other charges which may from time to time be authorized and fixed by the legislative body for a lawful purpose;
- (3) Fines, filing fees, and penalties;
- (4) Intergovernmental revenues of any kind, taxes and charges as provided by law;
- (5) Grants from Federal, State, local governmental sources or from such other entities as may be provided by law;
- (6) Proceeds from other funds of the municipality that have been defeased or for which the purposes of such fund have been achieved, completed or abandoned, and revert to the fund;
- (7) Proceeds from the liquidation of assets of the municipality including personal and real property, not required to be deposited elsewhere, including the sale of abandoned property, in the custody of the municipality, provided it is not required to be deposited in another fund pursuant to law;

(H) *Preservation and Disposition of Fund Assets.* All unused and unencumbered cash on deposit to the credit of the corporation general fund shall remain with tax fund until such time as the town council authorizes a transfer of any remaining unexpended, unencumbered assets of the fund, all subject to 36-1-8-5.

Section 3. That the Highland Municipal Code, be hereby amended by repealing subdivisions (B) and (C) of Section 3.45.100 Gaming Revenue Sharing Fund and replacing them with a new subdivision, which shall read as follows:

3.45.100 Gaming revenue sharing fund.

(B) Expenditures from this fund may only be for the purposes for which this fund was established as set forth in the revenue sharing agreement of June 13, 1997, between the county of Lake and the following Lake County municipalities: town of Cedar Lake, the city of Crown Point, the town of Dyer, the town of Griffith, the town of Highland, the city of Hobart, the city of Lake Station, the town of Lowell, the town of Merrillville, the town of Munster, the town of New Chicago, the town of St. John, the town of Schererville, the town of Schneider and the town of Winfield I.C. 4-33-12.5-8.

- (1) Expenditures from this fund may only be upon appropriation of the fiscal body of the town of Highland;
- (2) Expenditures from this fund may only be for the purposes of making infrastructure improvements. Infrastructure improvements shall include the following provisions as set forth in IC 8-14-1 et seq. I.C. 4-33-12.5 et seq.:
 - (a) Construction, reconstruction, repair, maintenance, oiling, sprinkling, snow removal, weed and tree cutting and cleaning of their highways as herein defined, and including also any curbs;
 - (b) Share of the cost of the separation of the grades of crossing of public highways and railroads;
 - (c) Engineering, land acquisition, construction, resurfacing, maintenance, restoration, or rehabilitation of both local and arterial road and street systems;
 - (d) The payment of principal and interest on bonds sold primarily to finance road, street, or thoroughfare projects;
 - (e) Any local costs required to undertake a recreational or reservoir road project under IC 8-23-5; or
 - (f) The term "highways" includes roadways, rights-of-way, bridges, drainage structures, signs, guard rails, protective structures in connection with highways, drains, culverts and bridges and the substructure and superstructure of bridges and approaches thereto and streets and alleys of cities and towns. (IC 8-14-1-1(3));

(g) "Improvement" includes the construction, equipment, remodeling, extension, repair and betterment of structures including **Construction, equipment remodeling, extension, repair and betterment of structures including the following:**

1. Sanitary sewers and sanitary sewer tap-ins.
2. Sidewalks.
3. Curbs.
4. Streets.
5. Alleys.
6. Pedestrian-ways or malls set aside entirely or partly, or during restricted hours, for pedestrian rather than vehicular traffic.
7. Other paved public places.
8. Parking facilities.
9. Lighting.
10. Electric signals.
11. Landscaping, including trees, shrubbery, flowers, grass, fountains, benches, statues, floodlighting, gas lighting, and structures of a decorative, educational, or historical nature; and

(h) "Sewage works" means: (IC 36-9-1-8)

1. Sewage treatment plants;
2. Intercepting sewers;
3. Main sewers;
4. Submain sewers;
5. Local sewers;
6. Lateral sewers;
7. Outfall sewers;
8. Storm sewers;
9. Force mains;
10. Pumping stations;
11. Ejector stations;
12. Any other structures necessary or useful for the collection, treatment, purification, and sanitary disposal of the liquid waste, solid waste, sewage, storm drainage, and other drainage of a municipality.

(C) The sources of money for the fund may be as follows:

(1) The local periodic distribution of revenue described **and authorized** in the interlocal governmental agreement of June 13, 1997, first collected for Lake County under the provisions of IC 4-33-12-1 as admissions tax revenue, then allocated among the several participating municipalities as authorized by Lake County Ordinance No. 1156 A-1 and the subsequent interlocal agreement herein named I.C. 4-33-12.5, **sections 6 and 7;**

(2) Interest earned from the investment of moneys on deposit to the credit of the fund, provided such investments are conducted pursuant to IC 5-13-9 et seq.;

(3) Gifts, donations and other voluntary contributions from any person to the fund consistent with the lawful purposes and objects of the fund; and

(4) Money derived from state or federal reimbursement grants, matching funds, or contributions for such projects as may be consistent with the objects of IC 8-14-1 and 36-9-1, including but not limited to multi-party or intergovernmental undertakings.

Section 4. That **Section 3.45.050** of the Highland Municipal Code, establishing a local Levy excess fund is hereby repealed in its entirety, in that it is rendered of no further use or utility owing to changes in Indiana law regarding property tax levy excess;

Section 5. That subdivisions (A), (B), (C)(1), (C)(2), and (D)(1) of Section 3.45.123 of the Highland Municipal Code regarding the *Public Safety Income Tax Fund* be hereby repealed in their entirety and amended to include a successor section, which shall read as follows:

3.45.123 Public Safety income tax fund

(A) There is hereby authorized, created and established the public safety income tax fund, pursuant to the provisions of IC 6-3.5-1.1-25 et seq **before its repeal and IC 6-3.6;**

(B) The fund is dedicated and established to provide resources for public safety purposes as provided in IC 6-3.5-1.1-25(f) **before its repeal and IC 6-3.6-2-14** and as set forth in this code;

(C) Purposes, Uses, and Permissible Expenditures. Expenditures from this fund shall be governed by the following provisions:

- (1) That expenditures from this fund shall be for the purposes, uses and in support of the purposes or uses permissible for the resources of this fund as described in IC 6-3.5-1.1-25 et seq. **before its repeal, and IC 6-3.6.-2-14** as may be amended from time to time;
- (2) That the expenditures from this fund are to be used solely for public safety purposes, which are hereby further authorized and described, pursuant to IC 6-3.5-1.1-25(a) **before its repeal, and IC 6-3.6.-2-14:**
 - (a) Expenditures may be used to support or provide a police and law enforcement system to preserve peace and order;
 - (b) Expenditures may be used to support or provide a firefighting and fire prevention system;
 - (c) Expenditures may be used to support or provide emergency ambulance services;
 - (d) Expenditures may be used to support or provide emergency action taken at or near the scene of hazardous materials emergency to prevent or minimize harm to human health, property, or the environment as defined in IC 13-11-2-65;
 - (e) Expenditures may be used to support or provide a communications system as defined in IC 36-8-15-3, or an enhanced emergency telephone system as defined in IC 36-8-16-2 before its repeal on July 1, 2012;
 - (f) Expenditures may be used to support or provide pension payments for a member of the police department as defined in IC 36-8-1-9, or any other employee hired by the police department;
 - (g) Expenditures may be used to support or provide pension payments for a member of the fire department as defined in IC 36-8-1-8 or any other employee of the fire department;
 - (h) Expenditures may be used to support or provide pension payments for other personnel employed to provide a service described in this section;
 - (i) Expenditures may be used to support or provide for the foregoing purposes as operational or capital costs;

(D) The sources of funding for the public safety income tax fund may include the following:

- (1) The certified distributions transferred from the Lake County Auditor pursuant to and identified in IC 6-3.5-1.1-25 **prior to its repeal and IC 6-3.6-6, sections 4 and 8.**

Section 6. That subdivisions (B), (C)(1), (C)(2), (C)(2)(a), (D)(2), (D)(7), (D)(9), (D) (10), (E)(3)(l), (E)(3)(m) and (F)(1) of Section 3.45.127 of the Highland Municipal Code regarding the *Economic development income tax fund* be hereby repealed in their entirety and amended to include a successor section, which shall read as follows:

3.45.127 Economic development income tax fund.²

(B) The fund is dedicated and established to provide resources for purposes as provided in IC 6-3.5-7, **before its repeal and IC 6-3.6** and as set forth in this code;

(C) Purposes, Uses, and Permissible Expenditures. Expenditures from this fund shall be governed by the following provisions:

- (1) That expenditures from this fund shall be for the purposes, uses and in support of the purposes or uses permissible for the funds as described in IC 6-3.5-7 et seq., **before its repeal, IC 6-3.6-2-8, IC 6-3.6-6 et seq., and I.C. 6-3.6-10 et seq.** as may be amended from time to time;
- (2) That the expenditures from this fund are to be used solely for purposes described herein, which are further authorized and described in a capital improvement plan adopted by the town council president as municipal executive, specifying uses of the resources of this fund, pursuant to IC 6-3.5-7-15 **before its repeal, and IC 6-3.6-9.5;**
 - (a) The town council president, as municipal executive, may adopt a capital improvement plan specifying the uses of the revenues received under IC 6-3.5-7 **before its repeal, IC 6-3.6** and according to this section; or

(D) The resources of this fund may be used according to the specifications set forth in the capital improvement plan adopted and filed by the town council president as municipal executive, and may include any of the following:

- (2) Expenditures may be used for the retirement of bonds to support economic development projects, pursuant to IC 6-3.5-7-14 **prior to its repeal, IC 6-3.6-6-5 and IC 6-3.6-10-3** or for lease payments undertaken pursuant to IC 6-3.5-7-21 **prior to its repeal and IC 6-3.6-10-4**, including any leases or bonds entered into prior to the establishment of this fund; provided, that they would have qualified as a purpose authorized by this section and IC 36-3.5-7 **prior to its repeal IC 6-3.6-2-8, IC 6-3.6-6 et seq., and I.C. 6-3.6-10 et seq.** and at the time of their inception;
- (7) Expenditures may be used for funding substance removal or remedial action in a designated unit, to the extent not otherwise provided by IC 6-3.5-7 et seq. **prior to its repeal, IC 6-3.6-2-8, IC 6-3.6-6 et seq., and I.C. 6-3.6-10 et seq.;**
- (9) Expenditures may be used for the provision of homestead credits, provided the fiscal body adopts an authorizing ordinance pursuant to IC 6-3.5-7-13.1(b)(6) **prior to its repeal and IC 6-3.6-11-6(b);**
- (10) Expenditures may be used to establish a regional venture capital fund under IC 6-3.5-7-13.5 **prior to its repeal and IC 6-3.6-10-7** and a local venture capital fund under IC 6-3.5-7-13.6 **prior to its repeal and IC 6-3.6-10-8;**

(E) For the purposes of this section, "economic development project" is defined as any project that the town determines:

- (3) Will retain or expand significant business enterprise within the town and involves an expenditure for:
 - (l) Administrative expenses associated with such a project, including contract payments described in subsection (D)(5) of this section or IC 6-3.5-7-13.1(b)(2)(D) **prior to its repeal and IC 6-3.6-2-8;**
 - (m) Operating expenses authorized under subsection (D)(6) of this section or IC 6-3.5-7-13.1(b)(2)(E) **prior to its repeal and IC 6-3.6-10-2(4);**

(F) The sources of funding for the economic development income tax fund may include the following:

- (1) The certified distributions transferred from the Lake County Auditor pursuant to and identified in IC 6-3.5-7-12, **prior to its repeal and IC 6-3.6-9-16;**

Section 7. That subdivision (J), of Section 3.45.127 of the Highland Municipal Code regarding the *Economic development income tax fund* be hereby repealed in its entirety;

Section 8. That Chapter 12.10 of the Highland Municipal Code be hereby amended to include a new section, to be styled Section 12.10.105, which shall read as follows:

12.10.105 Special Sanitary District Operating Maintenance and General Expense Fund.

- (A) There is established a fund of the municipality to be known as the Sanitary District Operating Maintenance and General Expense Fund, pursuant to IC 36-9-25, sections 32 and 34.
- (B) The Sanitary District Operating Maintenance and General Expense Fund shall be further organized by departments, as required by law, which shall consist of the following:
- Sewage Administration Department
 - Solid Waste and Sanitation Department
- (C) The Clerk-Treasurer in consultation with the Town Council President shall be authorized to establish such other departments as may be deemed necessary or desirable, provided that any new department be reported to the town council;
- (D) Expenditures from this fund may only be for the purposes for which this fund is established, to carry out the purpose of the department particularly in IC 36-9-25-10 and IC 36-9-25 et seq.;
- (E) Appropriations. Expenditures from the fund may be made only upon appropriation by the fiscal body for the purpose for which the fund and its departments are specifically established, in the manner provided by statute for making other appropriations, and shall be disbursed only on approved accounts payable vouchers allowed by the board, all pursuant to IC 5-11-10 and 36-9-25-32(b);
- (F) *Investments Authorized.* Pursuant to IC 5-13-9, and Chapter 3.40 HMC, money in the fund may be invested; provided, that the yields from the purchase and sale of any such investments be deposited with the fund;
- (G) *Fund sources.* The Sanitary District Operating Maintenance and General Expense Fund consists of all moneys authorized to be collected and deposited to its credit under IC 36-9-25 et seq. Further, funds may include but not be limited to the following:
- (1) User fees, licenses, permits, and other charges which may from time to time be authorized and fixed by the proper body for a lawful purpose;
 - (3) Fines, filing fees, and penalties;
 - (4) Intergovernmental revenues of any kind, taxes and charges as provided by law;
 - (5) Grants from Federal, State, local governmental sources or from such other entities as may be provided by law;
 - (6) Proceeds from the liquidation of assets of the department including personal and real property, not required to be deposited elsewhere, including the sale of abandoned property, in the custody of the department, provided it is not required to be deposited in another fund pursuant to law;
- (H) *Preservation and Disposition of Fund Assets.* All unused and unencumbered cash on deposit to the credit of the fund shall remain with Sanitary District Operating Maintenance and General Expense Fund pursuant to Section 12.10.100 of this Code and IC 36-9-25-33.

Section 9. That Chapter 3.45 of the Highland Municipal Code be hereby amended to include a new section, to be styled Section 3.45.55, which shall read as follows:

3.45.55 Motor Vehicle Highway Fund.

- (A) There is established a fund of the municipality to be known as the Motor Vehicle Highway Fund, pursuant to IC 8-14-1 et seq.
- (B) The Motor Vehicle Highway Fund shall be further organized by departments, as required by law, which shall consist of the following:
- (1) Administration Department
 - (2) Construction, Reconstruction and Maintenance Department
- (C) The Clerk-Treasurer in consultation with the Town Council President shall be authorized to establish such other departments as may be deemed necessary or desirable, provided that any new department be reported to the town council;

- (D) Expenditures from this fund may only be for the purposes for which this fund is established, as follows:
- (1) The construction, reconstruction, repair, maintenance, oiling, sprinkling, snow removal, weed and tree cutting and cleaning of municipal highways as herein defined, and including also any curbs;
 - (2) To pay the town's share of the cost of the separation of the grades of crossing of public highways and railroads,
 - (3) The purchase or lease of highway construction and maintenance equipment;
 - (4) The purchase, erection, operation and maintenance of traffic signs and signals, and safety zones and devices; and,
 - (5) The painting of surfaces in highways for purposes of safety and traffic regulation;
 - (6) Pursuant to IC 8-14-1-5(c), at least fifty percent (50%) of the distributions coming into the fund shall be used for construction, reconstruction, and maintenance of the municipality's highways;
- (E) For the purposes of this section, the following terms shall possess the following meanings:
- (1) "highways" includes roadway, rights of way, bridges, drainage structures, signs, guard rails, protective structures in connection with highways, drains, culverts, and bridges and the substructure and superstructure of bridges and approaches thereto and streets and alleys of the Town;
 - (2) "construction" means the planning, supervising, inspecting, actual building, draining, and all expenses incidental to the construction of a highway;
 - (3) "reconstruction" means a widening or a rebuilding of the highway or any portion thereof;
 - (4) "maintenance" when used in reference to the Town as applied to that part of the highway other than bridges, means the constant making of needed repairs, to preserve a smooth surfaced highway, adequately drained, marked and guarded by protective structures for public safety and such term also means and includes the acquisition and use, in any manner, of all needed equipment, fuel, materials, and supplies essential and incident thereto;
- (F) Appropriations. Expenditures from the fund may be made only upon appropriation by the fiscal body for the purpose for which the fund and its departments are specifically established, in the manner provided by statute for making other appropriations, and shall be disbursed only on approved accounts payable vouchers allowed by the board, all pursuant to IC 5-11-10 and 36-9-25-32(b);
- (G) *Investments Authorized.* Pursuant to IC 5-13-9, and Chapter 3.40 HMC, money in the fund may be invested; provided, that the yields from the purchase and sale of any such investments be deposited with the fund;
- (H) *Fund sources.* The Motor Vehicle Highway Fund consists of all moneys authorized to be collected and deposited to its credit under IC 8-14-1s et seq. Further, funds may include but not be limited to the following:
- (1) Intergovernmental revenues of any kind, taxes and charges as provided by law;
 - (2) Grants from Federal, State, local governmental sources or from such other entities as may be provided by law;
 - (3) Proceeds from the liquidation of assets of the department including personal and real property, not required to be deposited elsewhere, including the sale of abandoned property, in the custody of the department, provided it is not required to be deposited in another fund pursuant to law;
- (I) *Preservation and Disposition of Fund Assets.* All unused and unencumbered cash on deposit to the credit of the fund shall remain with Motor Vehicle Highway Fund, subject to transfer to the Rainy Day Fund.

Section 10. That this ordinance shall be effective from and after its passage and adoption as evidenced by the signature of the Town Council President and attested thereto by the Clerk-Treasurer, all pursuant to IC 36-5-2-10 and IC 36-5-2-10.2.

Introduced and Filed on the 13th day of November 2017. Consideration on same day or at same meeting of introduction was not sought, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 11th Day of December 2017, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5; IC 36-5-2-10.2)

2. Proposed Ordinance No. 1661: An Ordinance to Further Amend Chapter 3.10 of the Code Of Ordinances For The Town Of Highland, State Of Indiana, All Pursuant To IC 36-1-5 Et Seq.

Councilor Herak introduced and moved the consideration of Ordinance No. 1661 at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Ordinance No. 1661 at the same meeting of its introduction. Councilor Wagner seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was passed and adopted at the same meeting of its introduction.

**ORDINANCE No. 1661
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE To Further AMEND CHAPTER 3.10 OF THE CODE Of ORDINANCES For The TOWN Of HIGHLAND, STATE Of INDIANA, ALL PURSUANT TO IC 36-1-5 ET SEQ.

WHEREAS, Title 36, Article 1, Chapter 5 of the Indiana Code provides that the legislative body of a unit **shall** codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances;

WHEREAS, The legislative body of this unit, the Town of Highland, is the Town Council, pursuant to IC 36-1-2-9(5) and IC 36-5-2-2;

WHEREAS, The present general and permanent ordinances of the Town of Highland, formally codified in 2012, are in need of technical and substantive modifications not confined to any particular Title, Article or Chapter but nevertheless desirable to further improve and perfect the Code; and

Whereas, The Town Council is reliably advised that Chapter 3.10 of the Municipal Code styled as Accounts Payable Payments in Advance of Formal Allowance, is in need of some changes to reflect emerging needs encountered since its initial adoption and to make other changes to allow for certain administrative efficiencies or language clarifications;

WHEREAS, The Town Council, is persuaded that it is necessary and desirable to adopt the several modifications to Chapter 3.10 to still further improve and perfect the Code,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Section 3.10.010 (A) of the Highland Municipal Code be hereby amended to include a new subdivision, to be styled Section 3.10.010 (A) which shall read as follows:

3.10.010 Authorized payments by the town clerk-treasurer.

(A) Authorized Expenses. The town council approves and authorizes payments to be made by the clerk-treasurer in advance of formal allowance by the town council or other board or commission of jurisdiction for the following types of expenses:

- (1) Property or services purchased or leased from:
 - (a) The United States government; or
 - (b) An agency or political subdivision of the United States government; or
 - (c) The government of the state of Indiana; or
 - (d) An agency or department or branch of the government of the state of Indiana, including a body politic and corporate of the state;
- (2) License fees or permit fees;
- (3) Insurance premiums;
- (4) Utility payments or utility connection charges;
- (5) Federal grant programs if:
 - (a) Advance funding is not prohibited; or
 - (b) The contracting party provides sufficient security for the amount advanced;
- (6) Grants of state funds authorized by statute;
- (7) Maintenance agreements or service agreements;
- (8) Lease agreements or rental agreements;
- (9) Principal and interest payments on bonds;
- (10) Payroll;
- (11) State, federal, or county taxes;
- ~~(12) The following additional expenses outlined in this section:~~
 - (12) ~~(a)~~ Expenses incurred and identified by the community events commission;
 - (13) ~~(b)~~ Refunds, which are in consequence of a class or program cancellation or for event or program deposits as may be made by the parks and recreation department;
 - (14) ~~(c)~~ Vendor payments in support of recreation, or special events programs;
 - (15) ~~(d)~~ Payments from the traffic violation agency fund;
 - (16) ~~(e)~~ Payment of the funeral benefits outlined in IC 36-8-6-9.8(4) to heirs or estates of deceased retired members of the metropolitan police department;
 - (17) ~~(f)~~ Payments to such vendors or service providers, public or private, which have provided services or goods to the municipality and for which a delay of payment incurs penalties or late payment charges;
 - (18) ~~(g)~~ Payments made from the information and communications technology fund, provided such payments are lawful and made according to the purposes and guidelines of the fund;
 - (19) ~~(h)~~ Payments for the purchase of real estate; provided, that the purchase and price has been duly authorized and approved by action of the proper council, board or commission, and the purchase was executed in compliance with IC 33-24, 36-1-10.5, 36-7, 36-9 or 36-10 and other relevant laws;
- (20) ~~(i)~~ Expenditures for **the following types of transfers:**
 - (a) transfers** or temporary loans in consequence of cash flow needs;

(b) transfers made from the Corporation General Fund to the Unsafe Building Fund;

provided in all cases, that the transfer or temporary loan has been duly authorized and approved by action of the proper council, board or commission;

- (21) ~~(j)~~ Payments made for the purchase of road salt, or other supplies, where a vendor requires payment to be remitted at time of delivery, provided the proper department head determines such payment to be in the interest of public safety;
- (22) ~~(k)~~ Payments made in consequence of or associated with a fund development project or a promotional program related to economic development or redevelopment, provided the project or program has been properly approved by the appropriate board or commission;
- (23) ~~(l)~~ Payments made to employees' health savings accounts by the municipality as employer;
- (24) ~~(m)~~ Payments as may be identified in other sections of the Highland Municipal Code, including but not limited to HMC 3.45.010(G) and 3.45.110(E);
- (25) ~~(n)~~ Charges or fees for services provided by an authorized public depository employed by the municipality;
- (26) ~~(o)~~ Registration fees for conferences, workshops or training conducted by associations organized to support municipal government or entities engaged in training or providing workshops relevant to public administration generally or particularly in the functional areas of the local government;
- (27) ~~(p)~~ Authorized or approved releases of retainage from the capital projects retainage agency fund.

Section 2. That this ordinance shall be effective from and after its passage and adoption as evidenced by the signature of the Town Council President and attested thereto by the Clerk-Treasurer, all pursuant to IC 36-5-2-10 and IC 36-5-2-10.2.

Introduced and Filed on the 11th day of December 2017. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 11th Day of December 2017, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5; IC 36-5-2-10.2)

3. Proposed Ordinance No. 1662: An Ordinance to Amend the Compensation, Benefits and Personnel Program of the Municipality, known as the Compensation and Benefits Ordinance, Commonly Called the Municipal Employee Handbook Particularly Regarding Authority for Enforced Leave and Repealing Prior Ordinances and Enactments in Conflict Therewith, Pursuant to IC 36-1-3 and other relevant Statutes.

Councilor Herak introduced and moved the consideration of Ordinance No. 1662 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Ordinance No. 1662 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was passed and adopted at the same meeting of its introduction.

OF THE
TOWN OF HIGHLAND, INDIANA

AN ORDINANCE TO AMEND THE COMPENSATION, BENEFITS AND PERSONNEL PROGRAM OF THE MUNICIPALITY, KNOWN AS THE COMPENSATION AND BENEFITS ORDINANCE, COMMONLY CALLED THE MUNICIPAL EMPLOYEE HANDBOOK PARTICULARLY REGARDING AUTHORITY FOR ENFORCED LEAVE AND REPEALING PRIOR ORDINANCES AND ENACTMENTS IN CONFLICT THEREWITH, PURSUANT TO IC 36-1-3 AND OTHER RELEVANT STATUTES.

WHEREAS, The Town Council is the fiscal and legislative body of the Town of Highland;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

WHEREAS, IC 36-1-4, sections 14 and 15 provide in pertinent parts for the establishment of a system of employment for any class of employee and for fixing the level of compensation of its officers and employees; and

WHEREAS, IC 5-10 in several pertinent chapters further authorizes Indiana political subdivisions to participate in and provide for certain compensation plans, and group benefits for its public workforce and officers, some of which have been duly adopted and established by ordinance of the Town; and

WHEREAS, IC 36-5, Chapters 3 and 4 provide additional authority and guidelines for fixing the level of compensation of officers and employees in towns; and

WHEREAS, The Town Council has determined that an amendment of a program for compensation, benefits and personnel management for its public workforce, particularly regarding use of paid leaves or suspensions of employees during investigation of alleged misconduct, consistent with Indiana Statutes, would be of benefit to support and carryout the public purposes of the municipality; and

WHEREAS, The Town Council now desires to make such an amendment;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the established compensation, benefits and personnel program of the municipality pursuant to and consistent with the provisions of the relevant governing law, is found and determined to require certain modification;

Section 2. That the ordinance, with the short title styled as styled as the "Compensation and Benefits Ordinance" and commonly called Municipal Employee Handbook is hereby amended as follows:

§ 5.01.01 Purpose

The Town provides a generous Disability and Worker's Compensation Benefit to provide wage continuation for those employees who may become injured or ill because the health and well-being of our employees is important to us. Since we endeavor to hire the finest possible employees, we believe it is in the best interest of both the employee and the Town to protect the health of all personnel. The purpose of Sickness/Disability Leave is to provide salary continuation for salaried and hourly full-time employees who are unable to work because of disability as a result of injury or illness. This benefit shall be in force after three (3) consecutive sick days and after the employee has obtained a doctor's or attending physician's report. Council approval expressed by the written signature of Town Council President is mandatory for payments to be made. The first three (3) days of sickness/disability, before Sickness/Disability Leave begins, are charged to accrued personal leave, vacation leave or compensatory time. The first three days are unpaid if accrued leave is not available. Sickness/Disability Leave is supplemental to the disability benefit provided by workers compensation insurance for a job-related injury or sickness. Workers compensation insurance payments will be supplemented to bring them to the level of pay at time of disability for a maximum of ~~52 weeks~~ **period described in Section 6.02.**

Section 3. That the ordinance, with the short title styled as styled as the "Compensation and Benefits Ordinance" and commonly called Municipal Employee Handbook is hereby further amended as follows:

§ 6.02 Workers Compensation Insurance

The Town provides, at no expense to you, Workers Compensation Insurance. This insurance becomes effective on your first day worked and protects you if you are injured on the job. To be sure to protect yourself under this insurance, REPORT ALL INJURIES, HOWEVER SLIGHT, TO YOUR SUPERVISOR IMMEDIATELY.

§ 6.02.01 In case of occupational injuries or illnesses, Worker's Compensation payments will be supplemented to bring them to the level of pay at time of disability for a maximum of 52 weeks.

§ 6.02.02 A worker who is on a disability leave covered by Workers Compensation who would experience a profound, undue hardship if the payments described § 6.02.01 expire, may apply for up to an additional maximum of 26 weeks. No additional payments beyond the 52 weeks maximum will be paid unless approved by the worker's department, and the Town Council President as municipal executive. No payment will be made that is unlawful under IC 22-3-3.

Section 4. That amendments adopted by the passage of this ordinance, in its substantive parts shall be compiled into a complete and simplified version, excluding its preambles or formal recitals, featuring a cover and brief narratives regarding the municipality and inserted in to a presented in handbook or similar form, to be distributed to employees and officers of the municipality and may be referred to as the Employee Handbook;

Section 5. That this ordinance is to be construed as a companion ordinance complimentary to any ordinance passed from time to time establishing wages and rates of pay and known as the salary ordinance;

- (a) That this ordinance shall be effective to the extent that it is not in conflict with Federal or State law;
- (b) That all other ordinances and resolutions related to the subject matter of this ordinance and not in conflict with its provisions, and the enabling instruments dealing with public employee retirement plans, remain in full force and effect;
- (c) That all other ordinances and resolutions in conflict with the provisions of this ordinance are hereby repealed and have no further force or effect;

Section 6. That any actions made lawful by this amendment carried-out consistent with its provisions but exercised before its adoption, are hereby approved, authorized and ratified pursuant to I.C. 36-1-4-16;

Section 7. That this ordinance shall become and remain in full force and effect from and after the date of its passage and adoption upon its signature by the executive as attested thereto by the clerk-treasurer, in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 11th day of December 2017. Consideration on same day or at same meeting of introduction experienced a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 11th Day of December 2017 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

4. Resolution No. 2017-49: An Exigent Resolution Providing for the Transfer of Appropriation Balances from and Among Major Budget Classifications in the Sewage Administration Department in the Sanitary District Operating Fund As Requested By The Proper Officer And Forwarded To The Town Council For Its Action, Pursuant To I.C. 6-1.1-18-6.

Councilor Herak moved the passage and adoption of Resolution No. 2017-49. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2017-49**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the SEWAGE ADMINISTRATION DEPARTMENT in the SANITARY OPERATING FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION, PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Sewage Administration Department in the Sanitary Operating Fund**;

WHEREAS, The Board of Sanitary Commissioners possesses concurrent authority with the Town Council as the Works Board of the municipality, pursuant to IC 36-9-25-9 and the Town Council is the fiscal body of the municipality, pursuant to IC 36-1-2-6(4);

WHEREAS, The Superintendent of the Department of Public Sanitation has requested that the Town Council act instead of the Board of Sanitary Commissioners owing to the exigencies of time;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That is has been shown that certain existing unobligated appropriations of the **Sewage Administration in the Sanitary Operating Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

SPECIAL SANITARY DISTRICT OPERATING FUND

Sewage Administration Department

Reduce Account:

40-0014-310.03 Consulting Fees	\$ 3,000.00
<i>Total 300 Series Reductions</i>	<u>\$ 3,000.00</u>

Increase Accounts:

40-0014-111.03 Clerk-Treasurer Salary	\$ 536.04
40-0014-111.27 San Dist Superintendent Salary	\$ 1,390.02
40-0014-111.32 Public Works Director Salary	\$ 955.02
40-0014-112.01 FICA	<u>\$ 118.92</u>
<i>Total 100 Series Increases</i>	\$ 3,000.00

Total of All Fund/Department Decreases:	\$ 3,000.00
Total of All Fund/Department Increases:	\$ 3,000.00

DULY RESOLVED and ADOPTED this 11th Day of December 2017 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
 HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
 Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

5. **Works Board Order No. 2017-34:** An Order Approving and Authorizing the Fire Chief to Purchase from Identified Vendors Self Contained Breathing Apparatuses (SCBA) and related Fire Equipment, all pursuant to I.C. 5-22 et seq., and HMC Chapter 3.05.

Councilor Kuiper moved the passage and adoption of Works Board No. 2017-34. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
 Board of Works**

Order of the Works Board 2017-34

An Order Approving and Authorizing the Fire Chief to Purchase from Identified Vendors Self Contained Breathing Apparatuses (SCBA) and related Fire Equipment, all pursuant to I.C. 5-22et seq., and HMC Chapter 3.05.

Whereas, The Town of Fire Department, as part of its public duties, has a responsibility for fire suppression, prevention, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

Whereas, The Fire Chief has determined a need to purchase self-contained breathing apparatuses (SCBA) and has further determined the purchase price will be greater than \$150,000;

Whereas, The Fire Chief is advised that the Town of Munster, Indiana invited bids under the terms of IC 5-22-7 et seq., for the purchase of the self-contained breathing apparatuses (SCBA) and the vendor has consented to provide them at the same bid price to the Town of Highland Fire Department, offering the Town of Highland a unique opportunity to obtain at substantial savings, pursuant to HMC Section 3.05.065 (F);

Whereas, The Fire Chief has determined a need to purchase other fire equipment or supplies and has further determined the purchase price will be less than \$50,000;

Whereas, The price for all purchases exceeds \$15,000.00 and, pursuant to Section 3.05.040 (E) as well as Section 3.05.050 (B)(2) of the Highland Municipal Code, such purchase requires the express approval of the purchasing agency;

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(3) of the Highland Municipal Code serves as the purchasing agency for the Fire Department;

Whereas, The Fire Chief, pursuant to Section 3.05.050 (D)(4) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department;

Whereas, The purchase of the SCBA and other fire equipment or supplies will be supported by an appropriation in the Public Safety Local Income Tax (LIT) Fund; and,

Whereas, The Town Council now desires to approve and authorize the Fire Chief to complete the purchase of the supplies and equipment pursuant to the terms and stated herein,

Now, Therefore Be It Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the Works Board hereby makes the following findings and determinations:

(A) That the Town of Munster, Indiana invited bids under the terms of IC 5-22-7 et seq., for the purchase of self-contained breathing apparatuses (SCBA) and the vendor has consented to provide them at the same bid price to the Town of Highland Fire Department;

(B) That the foregoing offers the Town of Highland a unique opportunity to obtain at substantial savings the SCBA, all pursuant to HMC Section 3.05.065 (F);and,

(C) That the foregoing qualifies as a special purchase, all pursuant to HMC Section 3.05.065 (A) and IC 5-22-10 and may be made without additional procedures.

Section 2. That the Works Board hereby authorizes the purchase of Thirty (30) self-contained breathing apparatuses (SCBA) at a unit price of six thousand, four hundred thirty-seven dollars (\$6,437) each, rendering a total purchase price of one hundred ninety-three thousand, one hundred ten dollars (\$193,110);

Section 3. That the Works Board hereby authorizes the purchase of the following equipment, pursuant to the small purchases provisions set forth in HMC Section 3.05.060(G)(2):

(A) Six (6) Integrated Thermal Imagers at a unit price of eight hundred dollars (\$800) each for a total purchase of four thousand, eight hundred dollars (\$4,800);

(B) Two (2) Battery chargers at a unit price of five hundred dollars (\$500) each for a total purchase price of one thousand dollars (\$1,000); and

(C) Two (2) Lithium spare batteries at a unit price of two hundred seventy-five dollars (\$275) for a total purchase price of five hundred fifty dollars (\$550).

Section 4. That the Fire Chief is now directed to obtain the documentary materials from the Town of Munster to support the findings and determinations made in this order and then file these documents as financial materials with the Office of the Clerk-Treasurer, as required pursuant to IC 36-5-4-14.

Section 5. That the Fire Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, as required pursuant to IC 36-5-4-14.

Be it so Ordered.

Duly, Passed and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 11th day of December 2017 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

6. Works Board Order No. 2017-35: An Order Approving and Authorizing the Metropolitan Police Chief to Purchase from Thomas Dodge of Highland, IN through the State of Indiana (1) one 2018 AWD Dodge Charger pursuant to I.C. 5-22-8-2.

Councilor Kuiper moved the passage and adoption of Works Board No. 2017-35. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2017-35**

An Order Approving and Authorizing the Metropolitan Police Chief to Purchase from Thomas Dodge of Highland, IN through the State of Indiana (1) one 2018 AWD Dodge Charger pursuant to I.C. 5-22-8-2.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

Whereas, The Metropolitan Police Chief has determined a need to replace certain equipment and supplies and has further determined the purchase price will be below \$50,000.00.

Whereas, The Metropolitan Police Chief has identified Thomas Dodge of Highland, IN through the State of Indiana to be a desirable source vendor for the purchase of one (1) 2018 AWD Dodge Charger at price of \$24,028.00, which is under the State of Indiana QPA (Quantity Purchase Agreement).

Whereas, The Metropolitan Police Chief will be purchasing one (1) vehicle outright black in color with the purchase price being \$24,028.00

Whereas, The price for the purchase exceeds \$15,000.00 and, pursuant to Section 3.05.040 (E) as well as Section 3.05.050 (B) as well as Section 3.05.060 G (2) of the Highland Municipal Code, such purchase requires the express approval of the purchasing agency; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(2) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to Section 3.05.050 (D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The Purchasing Agent, pursuant to Section 3.050.060 G (2) of the Highland Municipal Code, expected that the purchase would not be more than \$50,000.00 and therefore wish to purchase in the open market without inviting or receiving quotes;

Whereas, The Purchasing Agent, elected not to seek formal bids pursuant to Section 3.05.060 G (2) of the Highland Municipal Code, with the results as follows:

- (A) Thomas Dodge of Highland, Indiana at a unit price
Of \$24,028.00 for one (1) AWD black Dodge Charger vehicle

Whereas, The purchase of the vehicle will be supported by the Municipal Capital Cumulative Fund (MCCD) and a duly approved appropriation in the Metropolitan Police Department of the Corporation General Fund.

Whereas, The Town Council now desires to approve and authorize the Police Chief to complete the purchase pursuant to the terms and stated herein.

Now, Therefore Be It Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the Works Board hereby authorizes and approves the purchase from Thomas Dodge of Highland, IN for the purchase of one (1) 2018 AWD Dodge Charger at the price of \$24,028.00: pursuant to IC 5-22 and Section 3.05.060 G (2) of the Highland Municipal Code;

Section 2. That the Works Board hereby finds and determines that the offer from Thomas Dodge of Highland, IN to be the lowest responsive and responsible offer at the price of \$24,028.00 , all pursuant to IC 5-22 and Section 3.05.060 F and G (2) of the Highland Municipal Code;

Section 3. That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

Be it so Ordered.

Duly, Passed and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 11th day of December 2017 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

- 7. Works Board Order No. 2017-36: An Order Approving and Authorizing the Metropolitan Police Chief to Purchase from John Jones Automotive Dealership of Salem, IN through the State of Indiana (1) one 2018 AWD Dodge Charger pursuant to I.C. 5-22-8-2.**

Councilor Wagner moved the passage and adoption of Works Board No. 2017-36. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2017-36**

An Order Approving and Authorizing the Metropolitan Police Chief to Purchase from John Jones Automotive Dealership of Salem, IN through the State of Indiana (1) one 2018 AWD Dodge Charger pursuant to I.C. 5-22-8-2.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

Whereas, The Metropolitan Police Chief has determined a need to replace certain equipment and supplies and has further determined the purchase price will be below \$50,000.00.

Whereas, The Metropolitan Police Chief has identified John Jones Automotive Dealership of Salem, IN through the State of Indiana to be a desirable source vendor for the purchase of one (1) 2018 AWD Dodge Charger at price of \$24,017.00, which is under the State of Indiana QPA (Quantity Purchase Agreement).

Whereas, Metropolitan Police Chief will be purchasing one (1) vehicle outright white in color with the purchase price being \$24,017.00

Whereas, The price for the purchase exceeds \$15,000.00 and, pursuant to Section 3.05.040 (E) as well as Section 3.05.050 (B) as well as Section 3.05.060 G (2) of the Highland Municipal Code, such purchase requires the express approval of the purchasing agency; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(2) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to Section 3.05.050 (D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The Purchasing Agent, pursuant to Section 3.050.060 G (2) of the Highland Municipal Code, expected that the purchase would not be more than least \$50,000 and therefore wish to purchase in the open market without inviting or receiving quotes;

Whereas, The Purchasing Agent, elected not to seek formal bids pursuant to Section 3.05.060 G (2) of the Highland Municipal Code, with the results as follows:

- (A) John Jones Automotive Dealership, Salem, Indiana at a unit price
Of \$24,017.00 for one (1) AWD white Dodge Charger vehicle

Whereas, The purchase of the vehicle will be supported by the Municipal Capital Cumulative Fund (MCCD) and a duly approved appropriation in the Metropolitan Police Department of the Corporation General Fund.

Whereas, The Town Council now desires to approve and authorize the Police Chief to complete the purchase pursuant to the terms and stated herein.

Now, Therefore Be It Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the Works Board hereby authorizes and approves the purchase from John Jones Automotive Dealership of Salem, IN for the purchase of one (1) 2018 AWD Dodge Charger at the price of \$24,017.00: pursuant to IC 5-22 and Section 3.05.060 G (2) of the Highland Municipal Code;

Section 2. That the Works Board hereby finds and determines that the offer from John Jones Automotive Dealership of Salem, IN to be the lowest responsive and responsible offer at the price of \$24,017.00 , all pursuant to IC 5-22 and Section 3.05.060 G (2) of the Highland Municipal Code;

Section 3. That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

Be It So Ordered.

Duly, Passed and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 11th day of December 2017 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

08. Works Board Order No. 2017-37: An Order of the Works Board Offering, Authorizing and Approving an Extension to the Contract between the Town of Highland and Dave's Tree Service Inc. for – Tree removal and stump grinding through December 31, 2018, all Pursuant to Indiana Code 5-22 *et Seq.* and §31.18 of the Highland Purchase Code.

By general consent, the matter of Works Board Order No. 2017-37 was removed from the agenda to allow further deliberation by the Town Council.

09. Ratifying the terms of the capital lease purchase authorized and approved by the Town Council by its adoption of Works Board Order No. 2017-31 at its meeting of November 13, 2017. *Centier is clarifying the interest calculation methodology being 365/365 basis rather than 30/365 basis.*

Councilor Kuiper moved to ratify the terms of the capital lease from its initial bid specification as 30/365 to 365/365 as the basis for the interest calculation. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The terms of the capital were ratified.



9701 Indianapolis Blvd.
Highland, IN 46322-2620
219.922.2406

BUSINESS BANKING

UPDATED 11/29/17

November 7, 2017

Town of Highland
3333 Ridge Rd.
Highland, IN 46322

Town of Highland:

Centier Bank is pleased to offer The Town of Highland, Indiana, the following proposal:

Lessor: Centier Bank ("Lessor")

Lessee: Town of Highland, Indiana ("Lessee")

Equipment: Two – 2018 Ford Utility AWD Interceptors

Funding Amount: \$51,648.00

Term: 36 month term. Tax exempt bid rate is 2.50%. 365/365 day Basis

Bank Eligibility: The lease is designated as "qualified tax-exempt obligation" for purposes of section 265 (b) (3) of the Internal Revenue Code of 1986, as amended

Principal & Interest Payments: 6/15/18
6/15/19
6/15/20

Tax Treatment: This proposal assumes Lessee shall be treated as owner for tax purposes and Lessee agrees it will grant Lessor a first prior security interest in the Equipment and certain additional property related thereto.

Lease: The lease will be a "net lease" wherein the Lessee will be responsible for all maintenance, insurance, and taxes, including any applicable sales/use tax and personal property tax.

Prepayment: Borrower shall have the right to prepay all of the outstanding principal balance prior to maturity.

www.centier.com

10. Authorizing the rescheduling of the second plenary business meeting in December pursuant to Section 2.05.130(D) of the Highland Municipal Code.

Councilor Zemen moved to reschedule the standing plenary meeting of December 25, 2017 to Wednesday, December 27, 2017 to begin at 7:00 pm with a study session to begin at 6:30 p.m. Councilor Wagner seconded. Upon a roll call vote, a two-thirds being necessary, there were five affirmatives and no negatives. The motion passed. The meeting was rescheduled.

11. Property, Commercial and other non-health insurance lines for the Town of Highland for FY 2018 as presented by Crowel Insurance Agency. Crowel Insurance Agency has proposed a total cost of \$ 263,276 representing \$54,528 for property,

\$110,241 for Automobile liability, \$1,397 for Benefits Liability, \$12,327 for Wrongful Practices Liability and \$84,783 for Public agency Multi-Class Liability. The expiring premium was \$248,372. The current increase is 6%.

Councilor Herak moved that the proposal for property, commercial and other non-health insurance lines for the Town for FY 2018 as presented by Tom Crowel, with the Crowel Agency being the agent of record be approved. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The property lines proposal was approved.

Comments from the Town Council:

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • IT Liaison*

Councilor Zemen acknowledged the Redevelopment Director. The Redevelopment Director reported that additional lighting was being installed to illuminate the dark areas near some of the properties owned by the Town through its redevelopment department.

- **Councilor Mark Herak:** *Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Board of Waterworks Directors.*

Councilor Herak wished all a Merry Christmas and expressed continuing positive wishes for the Town Council President's mom Mrs. Vassar, who was recovering following a health issue.

Councilor Herak acknowledged the President of the Board of Waterworks Directors, George Smith, who was present. With leave from the Town Council, Mr. Smith read aloud a summary report of works and accomplishments for the Board of Waterworks Directors for the year of 2017.

- **Councilor Steve Wagner:** *• Advisory Board of Zoning Appeals Liaison • Redevelopment Commission Liaison.*

Councilor Wagner wished all a Merry Christmas.

Councilor Wagner acknowledged the Building Commissioner, who reported on matters pending before the Advisory Board of Zoning Appeals.

- **Councilor Konnie Kuiper:** *• Town Board of Metropolitan Police Commissioners, Liaison. • Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Fire Chief who reported on a recent mutual aid response by Highland to five-alarm fire in the primary service area of the Lake Ridge Fire Department.

- **Council President Dan Vassar:** *Town Executive • Chair of the Board of Police Pension Trustees • Liaison to the Park and Recreation Board.*

The Town Council President acknowledged the Parks and Recreation Superintendent, who reported that the newest parks and recreation program books were to be distributed as an insert in the Northwest Indiana TIMES.

The Town Council President also wished all a Merry Christmas and Happy New Year.

Comments from Visitors or Residents:

1. Millie Barron, 3515 Condit, Highland, asked how to have sidewalks in her neighborhood repaired as well as her street improved.

She was advised that the Public Works Director would follow-up with her after the meeting to discuss the process.

2. Aiden Barron, 3515 Condit, Highland, inquired about the status of the proposed Skate Park.

The Parks and Recreation Superintendent reported that the Skate park was planned and construction was scheduled in the Spring located at Sheppard Memorial Park.

3. Andrijana Barron, 3515 Condit, Highland, inquired about the Town Council signing some of the papers associated with the badge earning project.

Payment of Accounts Payable Vouchers. Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period **November 28, 2017** through **December 11, 2017**. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$298,313.28; Motor Vehicle Highway and Street (MVH) Fund, \$36,403.76; Law Enforcement Continuing Education, Training, and Supply Fund, \$308.30; Flexible Spending Account Agency Fund, \$1,308.90; Insurance Premium Agency Fund, \$155,978.22; Information and Communications Technology Fund, \$6,705.44; Special Event Non Reverting Fund, \$103.94; Municipal Cumulative Capital Development Fund, \$18,978.89; Traffic Violations Bureau and Law Enforcement Agency Fund, \$3,079.50; Municipal Cumulative Street Fund, \$4,736.00; Gaming Revenue Sharing Fund, \$8,000.00; Total: \$533,916.23.

Adjournment of Plenary Meeting. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Zemen seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, December 11, 2017 was adjourned at 7:34 O'clock p.m. (*Girl Scout Andrijana Barron was allowed to gavel the meeting to adjournment.*)

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer